

APR 12 2012

US DISTRICT COURT  
WESTERN DISTRICT OF NE

CRIMINAL NO. 3:12cr124-FDW

Plaintiff,

 $\mathbf{y}_i$ 

Defendant.

CONSENT ORDER AND  
JUDGMENT OF FORFEITURE  
(PRELIMINARY)  
PENDING RULE 32.2(c)(2)

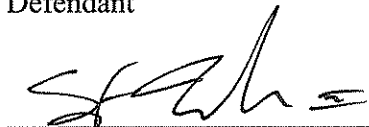
4. A forfeiture money judgment in the amount of \$1,808,451.00 shall be included in the defendant's sentence, and the United States may take steps to collect the judgment from any property of the defendant, provided, the value of any forfeited specific assets shall be credited toward satisfaction of this money judgment upon liquidation.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of defendant's crime(s) herein or property involved in such offenses and are therefore subject to forfeiture pursuant to 18 U.S.C. §§ 981 and 982, and/or 28 U.S.C. § 2461(c). The defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant. If the defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, defendant hereby withdraws that claim. If defendant has not previously submitted such a claim, defendant hereby waives all right to do so.


ANNE M. TOMPKINS  
UNITED STATES ATTORNEY

  
KURT W. MEYERS, ESQ.  
Assistant United States Attorney

  
ERIC MARLON DAVIS  
Defendant

  
S. FREDERICK WINIKER, III, ESQ.  
Attorney for the Defendant

Signed this the 12<sup>th</sup> day of April, 2012.

  
HONORABLE DAVID S. CAYER  
UNITED STATES MAGISTRATE JUDGE